AO 257 (Rev. 6/78)

	TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
by Robbery and Extortion; 18 U.S.C. §§ 1951(a) and 2 - Interference with Commerce by Robbery and Extortion and Aiding and Abetting; 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 - Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting	NT Name of District Court, and/or Judge/Magistrate Location
	DEFENDANT
PROCEEDING Name of Complaintant Agency, or Person (& Title, if any) Federal Bureau of Investigation person is awaiting trial in another Federal or State Court, give name of court	IS NOT IN CUSTODY Has not been arrested, pending outcome this proceeding. 1) If not detained give date any prior summons was served on above charges 2) Is a Fugitive
this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District this is a reprosecution of charges previously dismissed	IS IN CUSTODY IS IN CUSTODY On this charge OAKLAND ON another conviction
of: U.S. ATTORNEY DEFENSE this prosecution relates to a	6) Awaiting trial on other charges If answer to (6) is "Yes", show name of institution
pending case involving this same defendant MAGISTRA CASE NO prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under	been filed? No Silve date
Name and Office of Person Furnishing Information on this formJOSEPH P. RUSSONIELL V.S. Attorney Other U.S. Agence	
Name of Assistant U.S. Attorney (if assigned) JAMES C. MANN, AUSA	This report amends AO 257 previously submitted
PROCESS:	NFORMATION OR COMMENTS ————————————————————————————————————
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT If Summons, complete following: ☐ Arraignment ☐ Initial Appearance Defendant Address:	* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

ATTACHMENT TO PENALTY SHEET FOR ANTONIO DERAY DARNELL, TERRELL ANTONIO MOORE, AND ANTONIO DAVID OCHOA, JR.

Count One: (ALL DEFENDANTS) (18 U.S.C. § 1951(a)--Conspiracy To Interfere With Commerce By Robbery And Extortion).

(1) Imprisonment:

Maximum 20 Years Imprisonment

Fine: (2)

Maximum \$250,000

Supervised Release: (3)

Maximum 3 Years

Special Assessment: \$100.00 (4)

Count Two: (DEFENDANTS DARNELL AND MOORE) (18 U.S.C. § 1951(a)--Interference With Commerce By Robbery and Extortion).

(1) Imprisonment: Maximum 20 Years Imprisonment

(2) Fine: Maximum \$250,000

(3) Supervised Release:

Maximum 3 Years

Special Assessment: \$100.00 (4)

Count Three: (DEFENDANTS DARNELL AND MOORE) (18 U.S.C. § 924(c)(1)(A)(ii)--Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence).

(1) Imprisonment: Maximum Life Imprisonment

Mandatory Minimum 7 Years Imprisonment Consecutive

To Any Other Term Of Imprisonment

(2) Fine: \$250,000

Supervised Release: Maximum 5 Years (3)

Special Assessment. (4)

\$100.00

Count Four: (ALL DEFENDANTS) (18 U.S.C. § 1951(a)--Interference With Commerce By Robbery and Extortion).

Imprisonment: (1)

Maximum 20 Years Imprisonment

Fine: (2)

Maximum \$250,000

Supervised Release: Maximum 3 Years (3)

(4) Special Assessment: \$100.00

Count Five: (DEFENDANTS DARNELL AND MOORE) (18 U.S.C. § 924(c)(1)(A)(ii)-Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence).

(1) Imprisonment: Maximum Life Imprisonment

Mandatory Minimum 25 Years Imprisonment Consecutive

To Any Other Term Of Imprisonment

(2) Fine: \$250,000

(3) Supervised Release: Maximum 5 Years

(4) Special Assessment. \$100.00

<u>Count Five</u>: (DEFENDANT OCHOA) (18 U.S.C. § 924(c)(1)(A)(ii)--Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence).

(1) Imprisonment: Maximum Life Imprisonment

Mandatory Minimum 7 Years Imprisonment Consecutive

To Any Other Term Of Imprisonment

(2) Fine: \$250,000

(3) Supervised Release: Maximum 5 Years

(4) Special Assessment. \$100.00

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO	O A CRIMINAL ACTION - IN U.S. DISTRICT COURT
OFFENSE CHARGED SUPERSEDIN 18 U.S.C. § 1951(a) - Conspiracy To Interfere with Commerce by Robbery and Extortion; 18 U.S.C. §§ 1951(a) and 2 - Interference with Commerce by Robbery and Extortion and Aiding and Abetting; 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 - Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting Misdemean Mis	OAKLAND DIVISION DEFENDANT - U.S TERRELL ANTONIO MOORE, a/k/a "T."
PROCEEDING	IS NOT IN CUSTODY
Name of Complaintant Agency, or Person (& Title, if any) Federal Bureau of Investigation person is awaiting trial in another Federal or State Court, give name of court	Has not been arrested, pending outcome this proceeding. 1) If not detained give date any prior summons was served on above charges 2) Is a Fugitive 3) Is on Bail or Release from (show District)
this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District this is a reprosecution of charges previously dismissed which were dismissed on motion of: U.S. ATTORNEY DEFENSE	IS IN CUSTODY A) On this charge FICHARD W. WIEKING CLERK, U.S. DISTRICT COURT PRTHERN DISTRICT OF CALIFORNIA On another conviction Awaiting trial on other charges If answer to (6) is "Yes", show name of institution Alameda County
this prosecution relates to a pending case involving this same defendant prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under	Has detainer Yes give date give date filed DATE OF Month/Day/Year ARREST Or if Arresting Agency & Warrant were not
Name and Office of Person Furnishing Information on this form JOSEPH P. RUSSONIELLO U.S. Attorney Other U.S. Agency	TO U.S. CUSTODY Month/Day/Year
Name of Assistant U.S. Attorney (if assigned) JAMES C. MANN, AUSA	This report amends AO 257 previously submitted
PROCESS: SUMMONS NO PROCESS* WARRANT If Summons, complete following: Arraignment Initial Appearance Defendant Address: Comments:	Bail Amount: NO BAIL * Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment Date/Time: Before Judge:

ATTACHMENT TO PENALTY SHEET FOR ANTONIO DERAY DARNELL, TERRELL ANTONIO MOORE, AND ANTONIO DAVID OCHOA, JR.

Count One: (ALL DEFENDANTS) (18 U.S.C. § 1951(a)--Conspiracy To Interfere With Commerce By Robbery And Extortion).

(1) Imprisonment: Maximum 20 Years Imprisonment

(2) Fine:

Maximum \$250,000

(3)

Supervised Release: Maximum 3 Years

Special Assessment: \$100.00 (4)

Count Two: (DEFENDANTS DARNELL AND MOORE) (18 U.S.C. § 1951(a)--Interference With Commerce By Robbery and Extortion).

(1) Imprisonment:

Maximum 20 Years Imprisonment

(2) Fine: Maximum \$250,000

(3) Supervised Release: Maximum 3 Years

Special Assessment: \$100.00 **(4)**

Count Three: (DEFENDANTS DARNELL AND MOORE) (18 U.S.C. § 924(c)(1)(A)(ii)--Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence).

(1) Imprisonment: Maximum Life Imprisonment

Mandatory Minimum 7 Years Imprisonment Consecutive

To Any Other Term Of Imprisonment

(2) Fine: \$250,000

Supervised Release: Maximum 5 Years (3)

Special Assessment. \$100.00 (4)

Count Four: (ALL DEFENDANTS) (18 U.S.C. § 1951(a)--Interference With Commerce By Robbery and Extortion).

Imprisonment: **(1)**

Maximum 20 Years Imprisonment

Fine: (2)

Maximum \$250,000

Supervised Release: Maximum 3 Years (3)

(4) Special Assessment: \$100.00

Count Five: (DEFENDANTS DARNELL AND MOORE) (18 U.S.C. § 924(c)(1)(A)(ii)-Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence).

(1) Imprisonment: Maximum Life Imprisonment

Mandatory Minimum 25 Years Imprisonment Consecutive

To Any Other Term Of Imprisonment

(2) Fine: \$250,000

(3) Supervised Release: Maximum 5 Years

(4) Special Assessment. \$100.00

Count Five: (DEFENDANT OCHOA) (18 U.S.C. § 924(c)(1)(A)(ii)--Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence).

(1) Imprisonment: Maximum Life Imprisonment

Mandatory Minimum 7 Years Imprisonment Consecutive

To Any Other Term Of Imprisonment

(2) Fine: \$250,000

(3) Supervised Release: Maximum 5 Years

(4) Special Assessment. \$100.00

Comments:

DEFENDANT INFORMATION RELATIVE TO	O A CRIMINAL ACTION - IN U.S. DISTRICT DURT
BY: COMPLAINT INFORMATION SUPERSEDING OFFENSE CHARGED 18 U.S.C. § 1951(a) - Conspiracy To Interfere with Commerce by Robbery and Extortion; 18 U.S.C. §§ 1951(a) and 2 - Interference with Commerce by Robbery and Extortion and Aiding and Abetting; 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 - Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting X Felony PENALTY: SEE ATTACHEMENT	OAKLAND DIVISION RICHARD W WIE NORTHERN DISTRICT OF CONKLAND ANTHONY DAVID OCHOA, JR., a/k/a "Ant."
PROCEEDING	DEFENDANT
Name of Complaintant Agency, or Person (& Title, if any) Federal Bureau of Investigation	Has not been arrested, pending outcome this proceeding. 1) If not detained give date any prior summons was served on above charges
person is awaiting trial in another Federal or State Court, give name of court	2) Is a Fugitive 3) Is on Bail or Release from (show District)
this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District this is a reprosecution of charges previously dismissed which were dismissed on motion of: U.S. ATTORNEY DEFENSE	IS IN CUSTODY 4) On this charge 5) On another conviction Federal State 6) Awaiting trial on other charges
this prosecution relates to a pending case involving this same defendant MAGISTRATE CASE NO. prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under	If answer to (6) is "Yes", show name of institution Alameda County Has detainer Yes If "Yes" give date filed DATE OF Month/Day/Year ARREST Or if Arresting Agency & Warrant were not
lame and Office of Person urnishing Information on this form JOSEPH P. RUSSONIELLO IX U.S. Attorney Other U.S. Agency	DATE TRANSFERRED Month/Day/Year TO U.S. CUSTODY
ame of Assistant U.S. ttorney (if assigned) JAMES C. MANN, AUSA	This report amends AO 257 previously submitted
PROCESS: ADDITIONAL INFO	DRMATION OR COMMENTS ————————————————————————————————————
☐ SUMMONS ☐ NO PROCESS* ▼ WARRANT If Summons, complete following: ☐ Arraignment ☐ Initial Appearance	Bail Amount: NO BAIL * Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment
Dolomant Address.	Date/Time: Before Judge:

ATTACHMENT TO PENALTY SHEET FOR ANTONIO DERAY DARNELL, TERRELL ANTONIO MOORE, AND ANTONIO DAVID OCHOA, JR.

Count One: (ALL DEFENDANTS) (18 U.S.C. § 1951(a)--Conspiracy To Interfere With Commerce By Robbery And Extortion).

(1) Imprisonment: Maximum 20 Years Imprisonment

(2) Fine:

Maximum \$250,000

Supervised Release: (3)

Maximum 3 Years

(4)

Special Assessment: \$100.00

Count Two: (DEFENDANTS DARNELL AND MOORE) (18 U.S.C. § 1951(a)--Interference With Commerce By Robbery and Extortion).

(1) Imprisonment:

Maximum 20 Years Imprisonment

(2) Fine: Maximum \$250,000

(3) Supervised Release: Maximum 3 Years

Special Assessment: \$100.00 (4)

Count Three: (DEFENDANTS DARNELL AND MOORE) (18 U.S.C. § 924(c)(1)(A)(ii)--Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence).

(1) Imprisonment: Maximum Life Imprisonment

Mandatory Minimum 7 Years Imprisonment Consecutive

To Any Other Term Of Imprisonment

(2) Fine: \$250,000

Supervised Release: Maximum 5 Years (3)

Special Assessment. \$100.00 (4)

Count Four: (ALL DEFENDANTS) (18 U.S.C. § 1951(a)--Interference With Commerce By Robbery and Extortion).

Imprisonment: **(1)**

Maximum 20 Years Imprisonment

(2) Fine: Maximum \$250,000

(3) Supervised Release: Maximum 3 Years

Special Assessment: \$100.00 **(4)**

Count Five: (DEFENDANTS DARNELL AND MOORE) (18 U.S.C. § 924(c)(1)(A)(ii)-Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence).

(1) Imprisonment: Maximum Life Imprisonment

Mandatory Minimum 25 Years Imprisonment Consecutive

To Any Other Term Of Imprisonment

(2) Fine: \$250,000

(3) Supervised Release: Maximum 5 Years

(4) Special Assessment. \$100.00

Count Five: (DEFENDANT OCHOA) (18 U.S.C. § 924(c)(1)(A)(ii)--Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence).

(1) Imprisonment: Maximum Life Imprisonment

Mandatory Minimum 7 Years Imprisonment Consecutive

To Any Other Term Of Imprisonment

(2) Fine: \$250,000

(3) Supervised Release: Maximum 5 Years

(4) Special Assessment. \$100.00

United States District Court

FILED

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAY 1 4 2008

VENUE: OAKLAND

RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND



CRO8-0326

 $\mathsf{C}\mathsf{W}$

UNITED STATES OF AMERICA.

V.

ANTONIO DERAY DARNELL,
a/k/a "Young Rayda", a/k/a "Rayda",
a/k/a "Ray Ray",
TERRELL ANTONIO MOORE, a/k/a "T",
ANTHONY DAVID OCHOA, JR.,
a/k/a "Ant"

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1951(a) - Conspiracy To Interfere with Commerce by Robbery and Extortion; 18 U.S.C. §§ 1951(a) and 2 - Interference with Commerce by Robbery and Extortion and Aiding and Abetting; 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 - Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting

A true bill.

Deputy Foreman

Filed in open court this 14 day of May

Clerk

Baiks No bai

Document 1

Filed 05/14/2008

Page 11 of 18

Case 4:08-cr-00326-CW

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ANTONIO DERAY DARNELL. a/k/a "Young Rayda," a/k/a "Rayda," a/k/a "Ray Ray." TERRELL ANTONIO MOORE. a/k/a "T," and ANTHONY DAVID OCHOA, JR., a/k/a "Ant,"

did knowingly and willfully conspire to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, namely, vehicles listed for sale on the website Craigslist.org, by robbery and extortion in violation of Title 18, United States Code, Section 1951(a).

MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE

ACCOMPLISHED

- 2. DARNELL and MOORE would identify target vehicles and victims through advertisements listing vehicles for sale on the website Craigslist.org. In particular, DARNELL and MOORE would search for vehicles with custom rims.
- 3. DARNELL and MOORE would plan the execution of the robberies, which involved posing as potential purchasers of the target vehicles and then taking the target vehicles from the victim-owners at gunpoint.
- 4. DARNELL and MOORE would recruit others, including OCHOA, to act as robbers and drivers during the robberies.
- 5. DARNELL and MOORE, acting as interested purchasers, would call the victims and request to view the target vehicles listed for sale on Craigslist.org by the victims.
- 6. OCHOA would drive DARNELL and MOORE to meet the victim-owners of the target vehicles.
- 7. DARNELL and MOORE would approach the victim-owners of the target vehicles and request to test drive the vehicles.
- During the purported test drives, DARNELL and MOORE would intimidate and 8. threaten the victim-owners of the vehicles by brandishing firearms and pointing them at the victim-owners.

- 9. DARNELL and MOORE would order the victim-owners out of and away from the target vehicles at gunpoint.
- 10. DARNELL and MOORE would order the victim-owners to give their cellular telephones, money, and other items of value to the defendants.
 - 11. DARNELL and MOORE would flee in the victims' vehicles.
- 12. DARNELL and MOORE would later strip the vehicles of valuable items, such as custom rims, and sell those items.

OVERT ACTS

- 13. In furtherance of the conspiracy and to accomplish the objects of the conspiracy, DARNELL, MOORE, and OCHOA committed various overt acts in the Northern District of California, including but not limited to the following:
- a. On or about April 4, 2008, DARNELL and MOORE identified as a robbery target the vehicle owned by the person known to the Grand Jury as Victim One, which was listed for sale on the website Craigslist.org.
- b. On or about April 4, 2008, in the early evening, DARNELL called Victim One and expressed interest in purchasing the vehicle listed for sale by Victim One on Craigslist.org.
- c. On or about April 4, 2008, during the same telephone call mentioned in the previous paragraph, DARNELL requested that Victim One meet DARNELL at 7:00 p.m. on the same date at the Jack In The Box restaurant on West Winton Avenue in Hayward, California.
- d. On or about April 4, 2008, when Victim One arrived at the parking lot of the Jack In The Box restaurant, DARNELL approached Victim One and asked to test drive Victim One's vehicle.
- e. On or about April 4, 2008, DARNELL test drove Victim One's vehicle, while Victim One sat in the passenger seat, and MOORE rode in the right, rear passenger seat.
- f. On or about April 4, 2008, during the purported test drive of Victim One's vehicle, MOORE pulled out a black, semiautomatic handgun from his pants, pointed it at Victim One's head, and ordered Victim One out of the vehicle.

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On or about April 11, 2008, DARNELL and MOORE exited the stolen,

truck containing DARNELL and MOORE in the vicinity of Victim Two's vehicle.

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1 COUNT TWO: (18 U.S.C. §§ 1951(a)--Interference With Commerce By Robbery and Extortion and Aiding and Abetting) 2 On or about April 4, 2008, in the Northern District of California, the defendants, 3 ANTONIO DERAY DARNELL, a/k/a "Young Rayda," 5 a/k/a "Rayda," a/k/a "Ray Ray," and 6 TERRELL ANTONIO MOORE, a/k/a "T." 7 8 did knowingly obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, namely, a green, four-door 1998 Buick Park Avenue with 22-inch 9 10 chrome rims, by robbery and extortion, in violation of Title 18, United States Code, Sections 11 1951(a) and 2. COUNT THREE: 12 (18 U.S.C. §§ 924(c)(l)(A)(ii) and 2--Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence and Aiding and 13 Abetting) 14 On or about April 4, 2008, in the Northern District of California, the defendants, 15 ANTONIO DERAY DARNELL, a/k/a "Young Rayda," a/k/a "Rayda," 16 a/k/a "Ray Ray," and TERRELL ANTONIO MOORE, 17 a/k/a "T, 18 19 did knowingly use, carry, and brandish a firearm during and in relation to the crimes of violence 20 alleged in Counts One and Two herein, which crimes may be prosecuted in a court of the United States, and, in furtherance of those crimes, did possess and brandish that firearm, all in violation 21 of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2. 22 //// 23 24 //// 25 //// 26 //// 27 //// 28 ////

1 **COUNT FOUR:** (18 U.S.C. §§ 1951(a)--Interference With Commerce By Robbery and Extortion and Aiding and Abetting) 2 On or about April 11, 2008, in the Northern District of California, the defendants, 3 ANTONIO DERAY DARNELL, a/k/a "Young Rayda," 5 a/k/a "Rayda," a/k/a "Ray Ray," 6 TERRELL ANTONIO MOORE, a/k/a "T," and ANTHONY DAVID OCHOA, JR., 7 a/k/a "Ant. 8 did knowingly obstruct, delay, and affect commerce and the movement of articles and 9 10 commodities in commerce, namely, a brown two-door 1972 Ford LTD convertible with 26-inch 11 chrome rims, by robbery and extortion, in violation of Title 18, United States Code, Sections 12 1951(a) and 2. **COUNT FIVE:** 13 (18 U.S.C. §§ 924(c)(l)(A)(ii) and 2--Using, Carrying, and Brandishing a Firearm During and in Relation to a Crime of Violence and Aiding and 14 Abetting) 15 On or about April 11, 2008, in the Northern District of California, the defendants. 16 ANTONIO DERAY DARNELL, a/k/a "Young Rayda," a/k/a "Rayda," a/k/a "Ray Ray," 17 TERRELL ANTONIO MOORE. 18 a/k/a "T," and 19 ANTHONY DAVÍD OCHOA, JR., a/k/a "Ant," 20 21 did knowingly use, carry, and brandish a firearm during and in relation to the crimes of violence 22 alleged in Counts One and Four herein, which crimes may be prosecuted in a court of the United 23 States, and, in furtherance of those crimes, did possess and brandish that firearm, all in violation 24 //// 25 //// 26 //// 27 //// 28 ////

A TRUE BILL.

DATED:

May <u>14</u>, 2008

AUSA GARTH HIRE AUSA J.C. MANN

JOSEPH P. RUSSONIELLO United States Attorney

W. DOUGUAS SPRAC Chief, Oakland Branch

(Approved as to form:

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INDICTMENT